

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20741

Application 29641 of Carmel Riviera Mutual Water Company
P.O. Box 22288, Carmel, CA 93922

filed on January 12, 1990, has been approved by the State Water Resources Control Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) Malpaso Creek Underflow
(2) Malpaso Creek
(3) Unnamed Stream (aka Menton Creek)

Pacific Ocean
Pacific Ocean
Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section (P)	Township	Range	Base and Meridian
By California Coordinates, Zone 4					
(1) <u>Well No. 6</u> North 430,250 feet and East 1,144,850 feet	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	1	17S	1W	MD
(1) <u>Well No. 5</u> North 429,950 feet and East 1,144,125 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	1	17S	1W	MD
(1) <u>Well No. 8</u> North 429,950 feet and East 1,143,675 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	1	17S	1W	MD
(1) <u>Well No. 7</u> North 430,025 feet and East 1,143,075 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	1	17S	1W	MD
(1) <u>Well No. 4</u> North 430,125 feet and East 1,142,925 feet	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	1	17S	1W	MD
(1) <u>Well No. 3</u> North 431,350 feet and East 1,137,500 feet	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	2	17S	1W	MD
(2) <u>Surface Diversion</u> North 429,850 feet and East 1,143,700 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	1	17S	1W	MD
(3) <u>Well No. 2</u> North 433,375 feet and East 1,139,300 feet	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	2	17S	1W	MD
(3) <u>Well No. 1</u> North 433,250 feet and East 1,139,325 feet	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	2	17S	1W	MD

County of Monterey

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
Domestic	WITHIN THE DISTRICT'S SERVICE AREA AS SHOWN ON A MAP ON FILE WITH THE STATE WATER RESOURCES CONTROL BOARD	1, 2	17S	1W	MD	

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.116 cubic foot per second by direct diversion. The total amount of water to be taken from the sources shall not exceed 82.4 acre-feet per water year of October 1 to September 30. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1998. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the state Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2)the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. This permit shall not be construed as conferring upon permittee right of access to the point of diversion. (0000022)

13. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

14. For the protection of fish, wildlife and riparian vegetation, permittee shall bypass a minimum of 50 percent of the total streamflow in Malpas Creek at all times.

No water shall be diverted under this permit between April 1 and November 15 of each year, and at other times during the year whenever the streamflow is less than 200 gallons per minute, until and unless the permittee has installed measuring devices satisfactory to the State Water Resources Control Board and the Department of Fish and Game which are capable of continuously measuring the bypass flow(s) required by the conditions of this permit. Said measuring devices shall be properly maintained. The location and design of the devices shall be subject to the approval of the State Water Resources Control Board and the Department of Fish and Game. Streamflow measurements shall be obtained at locations where exposed bedrock in the streambed is present as follows:

(a) Upstream of the surface diversion and the zone of influence of well #8 as shown on Application 29641 and,

(b) Downstream of surface diversion and zone of influence of well #4.

Compliance with the streamflow bypass term in this permit shall be determined using the following calculation: $\text{bypass flow percentage} = (\text{measured downstream flow rate}) / \text{measured upstream flow rate} \times 100 \text{ percent}$. The flow diversion and streamflow bypass records shall be submitted to the Division of Water Rights with the Progress Report by Permittee. (0400400)
(0560400)

15. Whenever streamflow measured at the upstream measuring device located near well #8 measures 20 gallons per minute or less, all water appropriated under this permit shall be diverted at well #1 until well #1 is being operated at full capacity. Additional diversion facilities may then be used, provided, however, that the following condition is met. Under these flow conditions, the permittee is required to bypass 50 percent of the total streamflow plus an additional 2 gpm bypass flow. Under all other flow conditions, the permittee is required to bypass 50 percent of the total streamflow. (0100400)

16. Permittee shall conduct a seawater intrusion monitoring program by maintaining a specific conductance record of well #1 discharge. The record shall be submitted to the Division of Water Rights with the Progress Report by Permittee. (0090999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUNE 2 1994

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson
601 Chief, Division of Water Rights